

No. 7:11-CV-63-F

V.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \end{array}$$

¹ Butts pled guilty to a conspiracy that commenced in “late 2007 and continued until March 7, 2009.”

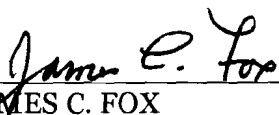
Second, Butts's contention that the Government breached the Plea Agreement [DE-34] by using his protected statements to increase his drug quantity also is incorrect. The statements about which he complains were made by Marcellus Fennell, *see* Motion at ¶ 3, p. 4, not by Butts. The Government did *not* agree that it would not use "information obtained after petitioner signed his plea agreement to add additional drug amount to increase petitioner's drug amount." *Id.* at ¶ 2, p. 4.

Third, Butts is mistaken in his belief that drug quantities attributable to him prior to the conspiracy dates alleged in the Indictment cannot be included in the total drug weight for which he is held accountable. Such quantities may have been included as Relevant Conduct; the dates in the Superseding Indictment [DE-28] are the dates of the alleged Offense Conduct.

The court has reviewed the remainder of Butts's contentions in his Motion to Alter or Amend, but perceives no grounds for relief. Accordingly, for the foregoing reasons and those stated in the order of April 27, 2011 [DE-48], Butts's Motion to Alter or Amend Court Order and/or Judgment [DE-50] is DENIED. The Clerk of Court is DIRECTED to close this case.

SO ORDERED.

This, the 15th day of July, 2011.



JAMES C. FOX
Senior United States District Judge